

2023:PHHC:084177

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRWP-12101-2022

DATE OF DECISION: 05.07.2023

KAMLESH

... Petitioner (s)

Versus

STATE OF U.T. CHANDIGARH AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner(s).

Mr. Amit Kumar Goyal, APP, U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the impugned order dated 29.11.2022 (Annexure P-2) whereby his application for grant of parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner was convicted under Section 193 IPC for giving false evidence. He was sentenced to undergo rigorous imprisonment for 7 years. The petitioner has undergone sentence for a period of over 3 years. He had earlier been granted parole twice on 07.05.2020 and 07.06.2021. He had promptly surrendered and did not misuse the concession of parole.

3. Custody certificate filed by the learned State counsel is taken on record. Learned State counsel, while referring to the reply, submits that the petitioner has not been granted parole on the basis of a report of District Magistrate, Sultanpur wherein it is stated that the convict has committed heinous crime and the grounds mentioned for availing the parole were not

found to be correct. His conduct during previous parole was also not satisfactory.

4. Heard. The petitioner is stated to be a resident of Sultanpur district in Uttar Pradesh. He was convicted under Section 193 IPC by the CJM, Chandigarh and sentenced to undergo RI for a period of 7 years. The allegations against the petitioner were that he had given false evidence before the Court. Custody certificate indicates that the petitioner has undergone sentence of 3 years, 4 months and 24 days out of the total sentence of 7 years. The petitioner had earlier been granted parole on two occasions and had not misused the concession of parole. There is nothing to indicate that the petitioner is involved in any other criminal case. The report of the District Magistrate, Sultanpur does not indicate any material on the basis of which he has arrived at the conclusion that the petitioner should not be released on parole. It is necessary for the petitioner to meet his family members to enable his reformation as a responsible citizen.

5. Consequently, the petition is allowed and the impugned order dated 29.11.2022 (Annexure P-2) is set aside. The petitioner shall be granted parole for a period of 04 weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority. He shall be released on 06.07.2023 and he shall surrender in the concerned Jail by 05:00 p.m. after a period of 04 weeks.

(ANUPINDER SINGH GREWAL)
JUDGE

05.07.2023

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No